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OF INDEPENDENCE TO COLONIAL
COUNTRIES AND PEOPLES

GUAM

Working paper prepared by the Secretariat

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GUAM 1/

I. GENERAL

1. Guam, a Non-Self-Governing Territory administered by the United States of America, is the southernmost and largest island of the Mariana archipelago. The island is 48 kilometres long, ranges from 8 to 14 kilometres in width and has a total land area of 540 square kilometres. Agana is the capital.

2. Guam is composed of two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and contains the northern water lens, capable of supplying fresh water far in excess of the Territory's present needs. The southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. 2/

3. A former Spanish colony, Guam was under the administration of the United States Navy from 1899 to 1950, except for a period during the Second World War when the island was occupied by Japan. In accordance with the 1950 Organic Act of the United States Congress, Guam became an unincorporated Territory. Administration of the Territory was transferred to the Department of the Interior.

4. Guam's population is growing at an accelerating rate, increasing from 105,979 in 1980 to 133,152 in 1990, or by 26 per cent. 3/ According to the most recent information, Guam's population rose to 141,000 in 1993. 4/ Of the total inhabitants, 22,077 were United States military personnel and their dependants. 5/

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. Constitution

5. As provided for by the Organic Act of 1950, the Government of Guam consists of separate executive, legislative and judicial branches.

6. Universal adult suffrage with respect to local elections applies to Guamanians 18 years and older. As Guamanians are nationals rather than citizens of the United States, they are not eligible to vote in the United States presidential elections while resident in the Territory.

7. Since 1972, the Territory has had a non-voting delegate in the United States House of Representatives.

Executive

8. Executive power is vested in a Governor who, together with a Lieutenant-Governor, is elected for a term of four years. The Governor is responsible for the general supervision and control of the executive branch and submits to the

Secretary of the Interior an annual report on the transactions of the Territory's Government for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

Legislature

9. Legislative power is vested in a unicameral body composed of 21 senators elected by legislative districts for two-year terms. The Legislature may override the Governor's veto.

10. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

Judiciary

11. The Federal District Court of Guam has jurisdiction over all cases arising under the United States Constitution, as well as under United States treaties and laws. The Superior Court of Guam handles cases arising under the laws of Guam.

12. In January 1993, Guam enacted legislation to create a Supreme Court of Guam. According to the Organic Act, which enables the Legislature to enact laws to establish a high court, the Ninth Circuit Court will monitor the decisions of Guam's Supreme Court for a probationary period of 15 years. Guam's Legislature states that it does not agree with the probation provision. A spokesman for the Superior Court of Guam stated that establishment of a high court of Guam would allow cases that had been charged and tried under local law to be reviewed by justices who were familiar with local laws, customs, values and mores of the community. 6/

B. General elections

13. General elections were held in Guam on 8 November 1994. The number of registered voters was 47,102; 44,991 persons participated in the voting. The Democratic candidates, Carl T. C. Gutierrez and Madelein Bordallo, obtained 52.02 per cent of the votes and were elected Governor and Lieutenant-Governor respectively. In elections to the territorial Legislature, 13 seats were won by the Democratic candidates and 8 seats were obtained by the Republicans. The Democratic Party candidate, Mr. Robert A. Underwood, was re-elected Guam's delegate to the United States House of Representatives. 7/

III. MILITARY INSTALLATIONS

14. The United States Federal Government allocated approximately US$ 748.1 million for their military operations in the Territory during the 1993 fiscal year. The breakdown of that amount was wages and salaries, $474.9 million; procurement of goods and services, $156.1 million; and military construction, $117.1 million. Military retirees had a payroll of $17.5 million. Federal income taxes (section 30 Funds) returned to the Government of Guam for

the 1993 fiscal year totalled $52.66 million. Total retail sales for the Defence Commissary Agency in the 1993 fiscal year equalled $41.7 million. 8/

15. During 1993, total military personnel on active duty decreased by 5.3 per cent compared with 1992. The largest decrease was in the active duty Marine personnel, from 343 in 1992 to 55 in 1993. That decrease was due to the deactivation of the Marines in late 1992. Total military population (active duty personnel and dependants) in 1993 was 22,078 persons compared with 22,178 in 1992. 8/

16. As at September 1993, the Naval Air Station at Agana was officially added to the list of base closures, according to which the base would close and relocate completely within the period 1993-1999. The closure of the base would result in the transfer of an additional four land parcels to the territorial Government. 8/

17. Three Navy supply ships that have their home ports in the Territory, the San Jose, the White Plains and the Niagara Falls, would leave Guam by 1996 to be decommissioned and refitted as military sealift command ships. Upon their return to Guam, the ships would have a crew of 100 merchant marine sailors and 40 navy personnel, compared to the present number of 445 sailors and officers on board. 8/

18. In 1993, the Air Force awarded a $9.2 million contract to a construction company domiciled in Dallas, Texas, for a 100-unit family housing project at Anderson Air Force Base. 8/

19. The Guam Army and Air National Guard, officially referred to as the Guam Territorial Command, was established in 1981. Its main mission was recently redefined as the land defence of the Marianas Islands and separate units elsewhere in the Pacific area. The Guam Territorial Command also has a mission to augment or round out units that are required by special functions.

20. The Guam National Guard, comprising over 700 members within two divisions (the Army 294th division and the Air Force Aerial Command), was the only reserve unit to have been activated and to have served in the Gulf war. The Guam Guard operational costs amount to $9.3 million, of which $9 million are allocated from the Federal funds and $300,000 from the territorial budget. 8/

IV. ECONOMIC CONDITIONS

A. General

21. Until the Second World War, the majority of Guamanians were involved in subsistence agriculture. After the War and until the 1970s, employment was generated mainly by United States Department of Defense military bases, which provided jobs mostly in the construction and servicing sectors. The formation of a territorial Government in 1951 provided further employment in non-agricultural sectors, in particular in the public service. Since the 1970s, the dramatic increases in tourism and the related construction, retail and service sectors have been effective forces in the economy's growth.

22. During the period under review, Guam continued to experience a rapidly escalating inflation rate. In 1993, the rate of inflation equalled 11 per cent, compared with 7.1 per cent in 1992. As of the end of 1993, the purchasing power of the dollar in Guam was 27 cents. 9/

23. The federal Government continues to play a major part in the economic development of the Territory. Federal funds allocated to Guam in the 1993 fiscal year totalled $952 million, 9/ compared with $843 million in 1992. 10/ The allocated federal funds were distributed as follows: $472 million was allocated for wages and salaries; $161 million for federal grants; $137 million for direct payments to individuals; $166 million for purchases; and $17 million for other programmes. The federal per capita expenditure on Guam in the 1993 fiscal year equalled $7,157, 9/ compared with $6,343 in the 1992 fiscal year. 10/

24. In August 1993, Guam experienced an earthquake measuring 8.1 on the Richter scale. Damages were estimated at approximately $115 million. In addition, many industries were affected by a slow recovery of power and water supplies. Several hotels were severely damaged. The Royal Palm Resort and the Grand Hotel collapsed and shifted and were demolished. The Guam Hilton Hotel was badly damaged and was closed for repairs for seven months. The tourism industry suffered severe losses as a result. 11/

B. Public finance

25. The territorial Government's total combined revenue for the 1993 fiscal year was $689.9 million and the combined expenditure totalled $573.2 million, compared to $691 million and $537 million in the 1992 fiscal year. The territorial Government thus recorded a surplus balance of $116.7 million.

26. The Guam Organic Act provides for Guam income taxes to mirror the federal income taxes. This means that whenever the federal law refers to the federal tax jurisdiction, Guam law refers to Guam; and whenever the federal law refers to Guam, Guam law refers to the federal jurisdiction. The Guam income tax law is the federal law with the revenue going to the Government of Guam. Guam is free to pass other tax laws. The major taxes include a 4 per cent tax on gross business receipts, which applies to all business sales except for wholesale transactions. There are also excise taxes on liquor, cigarettes and liquid fuels. The federal income taxes collected from military personnel and other federal government employees on Guam revert to the Government of Guam. In the 1993 fiscal year, an amount of $52.7 million reverted to the territorial Government. 12/

27. The United States Tax Reform Act of 1986 included a provision for Guam to develop its own income tax code. That code must include provisions on protection against double taxation, fraud and tax avoidance and evasion. The Guam Tax Code Commission was established in 1990 to formulate a new tax system for Guam. 13/

C. Land tenure

28. Approximately 30 per cent of the land in Guam is reserved for the Department of Defense, 1 per cent is used by the federal Government for non-military purposes and 19 per cent belongs to the Government of Guam. About 50 per cent of the land is privately owned. There are approximately 10,000 landowners, 94 per cent of whom own less than two hectares of land each. As at 1990, there were 35,000 land parcels on Guam with a total appraised value of $1.1 billion (see A/AC.109/1069, para. 42 and A/AC.109/1192, para. 48).

29. As previously reported (see A/AC.109/1192, paras. 48-56), the question of transfer of the land used by the federal Government, particularly for military purposes, to the jurisdiction of the Government of Guam has been a matter of contention between the territorial Government and the administering Power.

30. It will be recalled that, in January 1994, the parties concerned held a Guam Land Conference, with the participation of the Government of Guam as well as representatives of the United States Department of the Interior, Department of Defense and General Services Administration. The Conference particularly dealt with the question of land transfers in view of planned reductions in the United States Navy contingent in the Territory. 14/ On 31 March 1994, the United States Department of Defense released a preliminary plan identifying excess land parcels to be transferred to the Government of Guam. 15/

31. According to press reports 16/ in September 1994, the United States Senate approved a Guam Excess Land Bill transferring 3,200 acres of excess federal land to the Government of Guam. According to the terms of the transfer, the territorial Government would have six months to develop a land-use plan for the area transferred and submit that plan to the United States Congress for approval.

32. Press reports 17/ indicate that in April 1995, over 1,800 acres of federal land in Agana would be transferred to the jurisdiction of the Government of Guam. Currently, the territorial officials and the Naval Air Station Agana Reuse Committee are reported to be examining options for a better use of that land for the benefit of the public.

D. Agriculture and fisheries

Agriculture

33. Agriculture is the smallest sector in Guam's economy. As at December 1993, it employed 240 persons, compared to 350 persons in 1992. 18/ As at 1992, 310 hectares of land were being leased by 57 local farmers.

34. Guam has relatively poor natural conditions for commercial agriculture. Rainfall can be torrential and is often accompanied by destructive winds. The soil lacks the minerals and nutrients needed for satisfactory agricultural production. Furthermore, the small size of plots is an obstacle to the use of machinery and, in many cases, deters farmers from purchasing capital equipment. Transport, storage and processing facilities for agricultural products have,

until recently, been almost non-existent and marketing efforts have been fragmented.

35. The Guam Department of Agriculture is responsible for supervising all activities of the agricultural sector. Its Agricultural Development Services division provides services such as processing of loans; granting of agricultural land leases; provision of water supplies and of vegetable and fruit seedlings; and rental of agricultural equipment. The Agricultural Board of Commissioners of Guam is responsible for agricultural land zoning, pest control and agricultural development planning. A major objective of the Board is the eradication of the melon fly on Guam, which would eliminate trade restrictions on imports of agricultural products originating from Guam.

Fisheries

36. Guam is considered a natural location for a major fishing industry by virtue of its excellent harbour and port operations; its infrastructure for freezing, storage and handling of fish; an adequate fuel supply; and its ship repair facilities. It serves none the less mainly as a tuna transshipment centre. Other activities are small scale.

37. In 1993, the transshipment of tuna from Guam totalled 7,104 metric tons, a 32 per cent increase over 1992. 19/ As at 1993, there were 1,563 fishing vessels with a gross tonnage of 402,727 tons. 20/

38. Guam is a member of the Pacific Fisheries Development Foundation, a regional organization that assists members in the management, development and conservation of tuna resources, and of the Western Pacific Regional Fishery Management Council, which advises on management within the exclusive economic zone to prevent overfishing and to encourage economic development. 21/

39. According to the 1993 Guam Annual Economic Review, aquaculture represents great untapped potential for the Territory's economy. The first experimental and demonstration farm was established in 1973 and the first commercial operation began in 1975. Since then, the industry has grown significantly and, in 1993, the value of commercial aquaculture production totalled $1.6 million. 22/

40. Guam participates in the Pacific Aquaculture Association. The purpose of the Association is to promote and assist in the development of aquaculture in the United States-affiliated Pacific Islands through regionally coordinated planning, education and financial and technical support. 23/

E. Tourism

41. Tourism continues to be a major contributor to the economy of Guam. In 1993, tourist arrivals declined by 11 per cent compared with 1992, following an earthquake which struck Guam on 8 August 1993. 24/ However, in 1994, the tourism sector showed a trend towards recovery. 25/ From January to September 1994, the number of tourist arrivals totalled 829,480, a 23 per cent increase over 1993. 26/ Approximately 80 per cent of tourists originated from

Japan, 4 per cent from the United States and 16 per cent from other countries. 27/

42. As at the end of 1993, there were 6,616 hotel and motel rooms available for tourists. 24/ There was active new hotel development in 1993. Construction projects included the Guam Hilton International Hotel with 291 rooms; the Tuman Plaza Hotel with 254 rooms; the Leo Palace Resort with 114 rooms; and the International Marina Hotel with 58 rooms. As at December 1993, a total of 18 hotel and motel projects with 4,184 rooms were approved for construction in 1994-1995. 28/ As at December 1993, the hotel industry employed 5,060 persons compared to 5,290 in 1992. 28/

F. Construction

43. The construction industry continued to be viable during the period under review. During 1993, 3,208 permits were issued for a total value of $423.8 million. Most of the activity took place in residential, condominium and hotel construction. 27/ As at December 1993, the construction industry employed 8,810 persons, a 15 per cent decrease compared to 1992. 29/

44. During 1993, the United States Department of Defense was carrying out the following construction projects on Guam: 300 family housing units at Apra Hights, at an estimated cost of $56 million; a $29 million hangar apron at Anderson Air Force Base; a $14.8 million hazardous material storage facility; an $8.2 million Tomahawk mill magazine; a $2.9 million child development centre at Anderson Air Force Base; and a storage facility at an estimated cost of $5.2 million. The total estimated cost of all construction projects of the Department of Defense on Guam equalled $116 million. 29/

G. Financial sector

45. In 1992, the following financial institutions were licensed on Guam: 1 national bank; 5 State banks; 2 territorial banks; 2 savings and loan associations; 6 off-shore lending facilities and 20 finance companies. 30/

46. As at 31 December 1992, the combined assets of all financial institutions domiciled on Guam totalled $5 billion, an 18 per cent increase over 1991. During 1991, total deposits increased from $1.5 billion to $1.7 billion. 30/ As at 31 December 1991, there were 146 insurance companies registered on Guam, 127 of which were foreign companies. During 1991, the insurance companies developed written premiums of $148 million, a 14 per cent increase compared to 1990. 30/

H. Industry and commerce

47. As one of the more populated islands in the western Pacific, Guam acts as an urban and transshipment centre. It imports almost all of its finished trade goods, with only a small portion being manufactured locally. The small-scale manufacturing sector includes wood-carving, bag-making, boat-building and

water-bottling, as well as the production of greeting cards, chocolate, clocks, surf boards and tourist souvenirs. Larger-scale activities include a milk processing plant, printing plants, bread and pastry factories, a watch company and a textile factory. As at December 1993, the manufacturing sector employed 1,840 persons, approximately 4 per cent of the total private sector workforce. Average annual earnings during 1993 equalled $22,645, a 20.8 per cent increase over 1992. 31/

48. Guam is a duty-free port. It provides easy means for the movement of raw materials for manufacturing. Guam participates in two major trade programmes that benefit export-oriented manufacturing, the Harmonized Tariff Schedule of the United States and the Generalized System of Preferences. 31/

49. The Government of Guam continues to implement policies aimed at protecting local manufacturers through the Guam Product Seal, of which some 60 local manufacturers are currently recipients. 31/

50. The retail and wholesale trades are the leading sectors in the economy of Guam. In 1993, total retail and wholesale gross business receipts equalled $1.4 billion, thus accounting for over 30 per cent of total gross business income in the Territory. 32/ The retail and wholesale sectors employed 13,680 persons (31 per cent of total private sector employment). 32/

I. Transportation, communications and basic utilities

Air

51. There are currently nine international airlines and four commuter airlines serving Guam, including Air Nauru, All Nippon Airways, Continental Air Micronesia, Japan Airlines, Korean Airlines, Thai International Airways, Japan Asia Airways and Northwest Airlines. 33/

52. During the period under review, an expansion project for the Guam air terminal was initiated following transfer of over 125 acres of land by the United States Navy to the territorial Government. The expansion project, at an estimated cost of $260 million, would nearly triple the existing size of the terminal. 33/ In 1993, passenger arrivals totalled 1,132,008, a 3.8 per cent decrease compared to 1992. 33/

Roads

53. The Guam Mass Transit Authority operates the Guam public transit system. In 1993, the Authority provided 120,325 trips, Monday through Saturday, among all 19 villages. The Guam Para-transit System continued to provide ground transportation services to persons with disabilities, providing 16,427 rides in 1993. 34/

Ports

54. The Port Authority of Guam, a public corporation and an autonomous agency of the territorial Government, supervises the port of Guam, which is a major

transshipment centre of the Western Pacific. Currently, the Port Authority operates 10 shipping lines providing regular direct service to Hawaii, the United States mainland and to ports in the Far East and Micronesia. During 1992, 2,510 vessels called at the port of Guam, a 2.9 per cent increase over 1991. 34/

Telecommunications

55. The Guam Telephone Authority continued to provide telephone services on Guam. In 1993, the number of primary telephone lines totalled 54,259, a 9.6 per cent increase over 1992. In 1993, the Authority's revenues amounted to $36.7 million, a 7.4 per cent increase over 1992. 34/

Power

56. The Guam Power Authority continued to supply electric power in the Territory. As at September 1992, there were 36,364 users of electricity on Guam. The Authority's revenue during the 1992 financial year, which totalled $93.4 million, included $4.5 million from the United States Navy. In 1992, the average residential power consumption was 12,222 kilowatt-hours. 35/

Water

57. The Public Utility Agency of Guam is responsible for water supplies and water services. In 1992, consumption of water on Guam totalled 32 billion litres. The Agency's revenue in the 1992 financial year was $8.5 million, a 9.6 per cent increase over the revenue for the 1991 financial year. 35/

V. SOCIAL CONDITIONS

A. Labour

58. As at December 1993, the total civilian labour force of Guam was reported to be 66,070 persons, including 44,590 persons employed in the private sector and 21,480 persons employed in the public sector. 36/

59. In 1992, the breakdown of private sector employment by industry was as follows: agriculture, 420 persons; construction, 12,746; manufacturing, 2,065; transportation and public utilities, 4,346; wholesale trade, 2,045; retail trade, 12,060; finance, insurance and real estate, 2,722; and services, 12,534. 36/

60. The Guam Quarterly Economic Review indicates that as at 31 December 1991, there were 10,316 foreign labourers on Guam, of whom 3,162 were from the Philippines, 3,591 from Japan and the Republic of Korea, 3,021 from China, 219 from Thailand, 213 from Malaysia, 61 from India, 19 from Myanmar, 12 from Singapore, 8 from New Zealand, 5 from Sri Lanka, 2 from Australia, 2 from Palau, and 1 from the Netherlands. 37/

61. As at June 1994, the rate of unemployment was 9.4 per cent, compared to 6.6 per cent in September 1993. 38/

B. Public health

62. Medical care is generally of a high standard and health conditions are good. The 158-bed, Government-owned Guam Memorial Hospital was opened in 1976. In addition, there is the United States Naval Hospital and some 17 medical and 7 dental clinics. The Department of Public Health and Social Services maintains a pharmacy, a nursing section, a maternal and child health and family planning centre and a paediatric clinic. A new mental health facility is under construction. Some 140 physicians practise on Guam in several fields of specialization. There are over 30 dentists.

63. According to press reports, 39/ as at September 1994, 62 persons had tested positive to the human immunodeficiency virus (HIV) and 24 persons were diagnosed with acquired immunodeficiency syndrome (AIDS). The head epidemiologist of the University of Hawaii, Dr. D. Morens, who visited Guam in September 1994, stated that there was evidence of an AIDS epidemic in its early stages. The territorial Department of Public Health and Social Services currently offers free, confidential HIV tests and counselling. The Department has also embarked on the establishment of HIV educational and outreach programmes for the general public, as well as of special programmes for high-risk groups. 39/

64. Reports indicate that approximately 5 per cent of the population of Guam are carriers of hepatitis B, which is endemic to the region.

65. According to press reports, during 1993/1994, Guam benefited from a $260,625 grant from the United States Department of the Interior for advanced training of health-care professionals in United States-affiliated Pacific Islands. 40/

C. Housing

66. The provision of affordable, high-quality housing continued to be a priority task of the territorial Government. During the 1993 fiscal year, the Guam Housing Corporation registered 1,151 applications for financial assistance, out of which 50 applications for a total amount of $5.1 million were approved. 41/

67. The Guam Housing and Urban Renewal Authority, established in 1962, continued to be responsible for providing decent, safe and sanitary housing for low-income families. As at December 1992, there were 801 rental dwelling units owned by the Authority, of which 669 were multi-family units and 132 were units for the elderly. In 1992, the Authority administered funds amounting to $34.5 million.

D. Social welfare

68. In 1993, an average of 4,160 households received $18.4 million in food stamps. The following is a breakdown by category and number of those persons who received public assistance in 1993: aid to families with dependent children, 5,300 persons; old age assistance, 772; general assistance, 763; aid

to the permanently and totally disabled, 107; and aid to the blind, 2. Total public assistance expenditure, including $4.7 million for medicaid, equalled $17.6 million. 42/

E. Crime

69. During 1993, 14,556 criminal offenses were registered, including 8 murders, 90 rapes, 110 robberies, 227 aggravated assaults, 1,098 burglaries, 3,643 cases of larceny and theft, 427 motor vehicle robberies and 14 cases of arson. 43/

VI. EDUCATIONAL CONDITIONS

70. Education is compulsory for children between 6 and 12 years of age. The Territory has established an extensive public and private educational system. The public educational system includes 24 elementary schools, 6 middle schools and 5 high schools, the University of Guam and the Guam Community College. Private schools are operated by the Catholic, Episcopalian and Seventh Day Adventist churches. There are also two private business colleges.

71. Total school enrolment in 1993/1994 was 37,646 pupils, of whom 31,122 attended public schools and 6,524 attended private schools. The total number of teachers in public schools was 1,614. The 1993/1994 budget for the operation of public schools amounted to $160.4 million, or $5,456 per pupil. 44/

72. The Guam Community College reported that in 1993/1994 it had 2,355 students. In addition to apprenticeship courses in construction and the hotel/restaurant industries, the College offers programmes in marketing, tourism, nursing, construction and electronics. 45/

73. The University of Guam, which is accredited by the Western Association of Schools and Colleges of the United States, offers graduate programmes in education and public administration and operates a marine research laboratory. The Micronesian Area Research Centre of the University has an extensive collection of historic documents. In 1992/1993, the total university enrolment was 3,330. 46/

VII. FUTURE STATUS OF THE TERRITORY

Political status referendum

74. It will be recalled that, in a political status referendum held on 30 January 1982, Guamanian voters were asked which of the following seven alternatives they would prefer as the ultimate goal of the Territory of Guam: (a) statehood; (b) independence; (c) free association; (d) the status of incorporated Territory (i.e., with a local constitution); (e) commonwealth status; (f) the status quo; or (g) other. Commonwealth status received 4,914 votes (49.5 per cent), just short of a simple majority, followed by statehood with 2,547 votes. The majority of voters in every village on the island opted for commonwealth status. In a run-off referendum held in

September 1982, a large majority of Guamanian voters expressed preference for commonwealth status. Subsequently, in February 1984, the Guam Legislature established an eight-member Commission on Self-Determination to prepare a draft commonwealth agreement which, if acceptable to the people, would be submitted to the United States Congress for consideration.

Draft Commonwealth Act

75. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act. In 1987 it was approved by a majority in a popular vote.

76. A detailed review of the draft Commonwealth Act is contained in the 1994 working paper prepared by the Secretariat (A/AC.109/1192, paras. 19-37). In brief, under the draft Commonwealth Act Guam would become a fully self-governing commonwealth of the United States under a locally adopted constitution, which would recognize and be consistent with the sovereignty of the United States over Guam and the supremacy of the United States Constitution, as well as treaties and laws of the United States applicable to Guam. The Constitution of Guam would provide for a republican form of government. No federal laws passed after the adoption of the Act would apply to Guam without its consent. There would be a joint commission to consult regularly the United States and Guam on their bilateral relations. The United States would consult with Guam on all activities of the Department of Defense in the Territory and would pay rent on land used by the military. The Congress of the United States would recognize the inalienable right to self-determination of the Chamorro people, for which a special provision would be made in the Constitution of Guam. The Government of the United States, together with the Government of Guam, by means of federally funded programmes, might promote the maintenance and preservation of the Chamorro language, culture and traditions, enhance economic, social and educational opportunities for Chamorros, as well as the training of Chamorros as professionals, skilled workers and leaders of business and industry. The Government of Guam would establish a Chamorro Land Trust comprising certain lands returned by the United States. Guam would have greater control over immigration matters, including veto power over related federal laws and regulations. Guam would also establish a 200-mile exclusive economic zone. Finally, the draft Commonwealth Act would restrain the United States from utilizing the waters surrounding Guam for the dumping or storage of nuclear waste and would oblige the United States to clean up all chemical waste sites used by the military. A copy of the draft Commonwealth Act is available at the secretariat of the Special Committee.

77. The draft Act was submitted to the United States Congress in 1988. A report of a Federal Inter-agency Task Force on the subject in 1989 concluded that some provisions of the draft Act were unconstitutional, particularly those relating to the exercise of self-determination by the Chamorro people. 47/

78. Following negotiations between the Federal Inter-agency Task Force and the Commission on Self-Determination of Guam, in January 1993 the Task Force submitted another report offering compromise language on the draft Commonwealth Act. Areas on which the Inter-agency Task Force and the Commission on Self-Determination could not agree (about one third of the Act) included Guam's request for veto power over the applicability of federal laws to Guam. 47/

79. On 3 November 1993, the United States Secretary of the Interior, with the concurrence of the President of the United States, designated Mr. Michael Heyman as Special Representative for Guam commonwealth issues. The responsibilities of the Special Representative include the conduct of a review of Guam's commonwealth status and the formulation of a recommendation to the White House regarding the future status of the Territory. 48/

80. On 12 December 1993, the United States Special Representative stated that he hoped to have a bill for the passage of the Commonwealth Act before Congress by the end of 1994. Mr. Heyman also said that he sympathized with Chamorros and that he felt that some things were better handled on a local level. He said that commonwealth was a quest for more rights to self-government and that there are some tough issues involved. He noted that, having reviewed the Act, he thought that the hardest issue he would face was self-determination. With the passage of the Act, there would be a time when the Chamorros were the only ones who could vote on certain issues. There were a lot of non-Chamorro people who lived on Guam and called the island home. Mr. Heyman stated that it became a question of equity and equality. 49/

81. According to press reports, following his visit to Washington, D.C., in February 1994, Mr. Joseph Ada, then Governor of Guam, expressed his optimism concerning the state of negotiations on the future status of the Territory. He stated that serious discussions on the proposed commonwealth status for Guam would take place during 1994. Among the issues to be discussed, the following were highlighted: the sovereignty of the Chamorro people; the evolution of the relationship between the United States and Guam; and the participation of Guam in international organizations. 50/

82. However, on 11 October 1994, in a statement to the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly, the Governor of Guam criticized "the inactivity of the administering Power" in the implementation of the draft Commonwealth Act. 51/ At the same meeting, the Speaker of the Guam Legislature stated that the people of Guam had chosen a course for the future that required a profound change in the political status of Guam and the exercise of its right of self-determination. 52/ A Senator in the Guam Legislature emphasized that while the administering Power continued to examine Guam's proposal, it had offered nothing substantive in return which could satisfy the people of Guam. 53/

83. According to press reports, Mr. Carl Gutierrez, Governor of Guam, during his electoral campaigns stated that Guam's quest for commonwealth status remained the main issue. He emphasized that the draft Commonwealth Act could be changed only with the mutual consent of the federal and local Governments. Mr. Gutierrez indicated that President Clinton should have another two years to finalize the agreement. He also stressed the importance of bringing federal properties back to local control, noting that returning those lands to their original owners would be the ideal solution to the problem. Referring to questions on the protection and promotion of the Chamorro language and culture, Mr. Gutierrez gave assurances that he would use all the Government's resources to support the Chamorro culture. 54/

Action by the General Assembly

84. On 9 December 1994, the General Assembly adopted resolution 49/46 B, a consolidated resolution on nine Territories, section VI of which was specifically devoted to Guam.

Notes

1/ The information contained in the present paper has been derived from published reports.

2/ 1993 Guam Annual Economic Review, Department of Commerce, Guam, p. 1.

3/ United States Department of the Interior Fact Sheet, August 1991.

4/ United Nations, Population and Vital Statistics Report, Statistical Papers, series A, vol. XLVI, No. 3 (ST/ESA/STAT/SER.A/190). Data available as of 1 July 1994. New York: Department for Economic and Social Information and Policy Analysis, Statistical Division, 1994, p. 14.

5/ 1993 Guam Annual Economic Review, p. 100.

6/ Pacific Daily News, 1 January 1993.

7/ Ibid., 9, 11, 12, 20, 27 and 30 November 1994.

8/ 1993 Guam Annual Economic Review, pp. 25-27.

9/ Ibid., p. 2.

10/ 1992 Guam Annual Economic Review, p. 3.

11/ 1993 Guam Annual Economic Review, p. 2; Pacific Daily News, 18 August 1993.

12/ 1993 Guam Annual Economic Review, p. 28.

13/ Ibid., p. 31.

14/ Pacific Daily News, 19 January 1994.

15/ Ibid., 12 April 1994.

16/ Ibid., 23 September 1994.

17/ Ibid., 15 December 1994.

18/ 1993 Guam Annual Economic Review, p. 46.

19/ Ibid., p. 56.

20/ Ibid., p. 58.

21/ 1992 Guam Annual Economic Review, p. 53.

22/ 1993 Guam Annual Economic Review, pp. 49-52.

23/ Ibid., p. 53.

24/ Ibid., p. 73.

25/ Pacific Daily News, 8 December 1994.

26/ Ibid., 12 December 1994.

27/ Ibid., 10 December 1994.

28/ 1993 Guam Annual Economic Review, p. 74.

29/ Ibid., p. 59.

30/ Ibid., p. 61.

31/ Ibid., p. 64.

32/ Ibid., p. 70.

33/ Ibid., p. 37.

34/ Ibid., p. 39.

35/ Ibid., p. 44.

36/ Ibid., p. 17.

37/ Guam Quarterly Economic Review, Economic Research Centre, Department of Commerce, Government of Guam, vol. 16, No. 2, April-June 1994, p. 16.

38/ Ibid., p. 11.

39/ Pacific Daily News, 8 September 1994.

40/ 1993 Guam Annual Economic Review.

41/ Ibid., p. 16.

42/ Ibid., pp. 16-17.

43/ Ibid., p. 206.

44/ Ibid., pp. 109-113.

45/ Ibid., p. 116.

46/ Ibid., p. 111.

47/ Pacific Daily News, 21 January 1993.

48/ United States Department of the Interior press release, 3 November 1993.

49/ Pacific Daily News, 13 December 1993.

50/ Ibid., 7 February 1994.

51/ A/C.4/49/SR.3, para. 30.

52/ A/C.4/49/SR.3, para. 47.

53/ A/C.4/49/SR.3, para. 58.

54/ Pacific Daily News, 20 October 1994.